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Defendant(s).

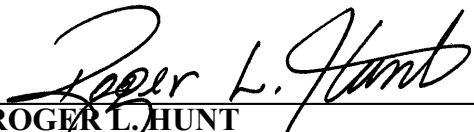
ORDER

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-1 and 3-2 and determines that the Order is not clearly erroneous or contrary to law and should be affirmed. It further finds that the Findings and Recommendation of Magistrate Judge Foley should be accepted and adopted.

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1 IT IS THEREFORE ORDERED that the Magistrate Judge's Order & Findings and
2 Recommendation (#2) is AFFIRMED and ADOPTED, and Complaint is dismissed with prejudice.

3 Dated: February 8, 2008.

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6 **ROGER L. HUNT**
7 **U.S. District Judge**
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